

# NATIONAL GOVERNMENT JOURNAL,

## AND REGISTER OF OFFICIAL PAPERS. [AUGUST 14, 1824.]

### Appointments.

#### Appointments by the President of the United States.

*John R. Thomson*, of Pennsylvania, Consul for the port of Canton, in China, *vice* Richard R. Thomson, deceased.  
*Duncan G. Campbell*, and *James Meriwether*, of Georgia, Commissioners to treat with the Creek Indians.  
*John Skillaber*, of Massachusetts, Consul for the port of Batavia, in the Island of Java, *vice* Abraham E. Soesman.  
*Abraham B. Nones*, of Virginia, Consul for the port of Maracaybo, in the republic of Colombia.  
*William Clark*, of Missouri, Commissioner to treat with the Sock, Fox, and Ioway Tribes of Indians.  
*John Pitman*, of Rhode-Island, Judge of the District of Rhode-Island, *vice* David Howel, deceased.  
*William Henry Allen*, of Maryland, to be Commissioner for ascertaining Claims and Titles to Land in Florida, in place of William G. D. Worthington, declined.

### APPOINTMENTS,

Made by the President, and confirmed by the Senate, during its last Session.

[One or two of these appointments may, perhaps, have been heretofore noticed, but they have not been authoritatively published. Several of these, it will be observed, are re-appointments of officers whose commissions had expired.]

*Cyrus Spinks*, of Ohio, to be Register of the Land Office at Wooster, Ohio.

*William Noland*, to be Receiver of Public Moneys at Batesville, in Arkansas Territory.

*William P. Gould*, to be Register of the Land Office at Tuscaloosa, Alabama.

*John Condict*, to be Assistant Collector of the Customs of the District of New-York for the City and Port of Jersey.

*William D. McRay*, of Missouri, to be Receiver of Public Moneys for the Western District of Missouri.

*James R. Pringle*, to be Collector of the Customs for the District of Charleston, S. C.

*John Whitehead*, to be Collector of the Customs for the District of Key West, Thompson's Island.

*William Houze*, to be Register of the Land Office at Jackson C. H. Mississippi.

*Samuel J. Rennells*, to be Register of the Land Office for the District of St. Helena.

*Jonathan Kearsley*, to be Receiver of Public Money for the District of Detroit.

*John C. S. Harrison*, to be Receiver of Public Money for the District of Vincennes.

*William H. Plowden*, of St. Mary's, to be Collector of the Customs for the District of St. Mary's, Maryland.

*Alexander Hunter*, Surveyor and Inspector of the Revenue for the Port of Savannah.

*Samuel A. Morse*, to be Collector for the District and Inspector of the Revenue for the Port of Machias.

*Joseph Aborn*, to be Collector of the Customs for the District of Teche, and Inspector of the Revenue for the Port of Nova Iberia.

*James Palmer*, to be Surveyor and Inspector of the Revenue for the Port of Windsor, in North Carolina.

*James Sterret*, to be Naval Officer for the Port of New-Orleans.

*H. G. S. Key*, to be Surveyor and Inspector of the Revenue for the Port of Llewellynburg.

*Matthew Jenkins*, to be Surveyor and Inspector of the Revenue for the Port of St. Johns, East Florida.

*James McRea*, to be Surveyor and Inspector of the Revenue for the Port of Dumfries.

*Ezra Stiles Meigs*, to be Surveyor and Inspector of the Revenue for the Port of Pensacola.

*Moses Fort*, to be Collector of the Customs for the District, and Inspector of the Revenue for the Port of Georgetown, S. C.

*Samuel Ross*, to be Appraiser of Goods for the Port of Philadelphia.

*Thomas Stewart*, to be Appraiser of Goods for the Port of Philadelphia.

*William Little*, to be Appraiser of Goods for the Port of Boston.

*Isaac Waters*, to be Appraiser of Goods for the Port of Boston.

*William Haslett*, to be Appraiser of Goods for the Port of Baltimore.

*Wm. Dickinson*, to be Appraiser of Goods for the Port of Baltimore.

*Robert M. Wetman*, to be Appraiser of Goods for the Port of New-Orleans.

*Charles Gardner*, to be Appraiser of Goods for the Port of New-Orleans.

*Andrew Simile*, to be Appraiser of Goods for the Port of Charleston.

*Edward Mortimer*, to be Appraiser of Goods for the Port of Charleston.

*Frederick Jenkins*, to be Appraiser of Goods for the Port of N York.

*Wimberly J. Hunter*, to be Appraiser of Goods for the Port of Savannah.

*William Bee*, to be Appraiser of Goods for the Port of Savannah.

*Archibald W. Hamilton*, of New-York, to be Collector of the Customs for the Port of Pensacola.

*Benjamin Desha*, of Kentucky, to be Receiver of Public Moneys for the District of Arkansas, Arkansas.

*Hercules Cushman*, to be Collector of the Customs for the District of Dighton, Massachusetts.

*David Derickson*, of Meadville, to be Collector of Internal Duties and Direct Taxes for the 23d Collection District of Pennsylvania.

*Isaac Pipkin*, to be Surveyor and Inspector of the Revenue for the Port of Murfreesboro', North Carolina.

*George Conway*, of Alabama, to be Receiver of Public Moneys, for the District East of Pearl River.

*James Robertson Jr.* to be Collector of the Customs for the District of Petersburg, in the State of Virginia.

*Christopher Ellery*, to be Collector of the Customs for the District of Newport, Rhode-Island.

*Humphry Peake*, to be Collector of the Customs for the District of Alexandria.

*John M. Canfield*, to be Collector of Customs for the District, and Inspector of the Revenue, for the Port of Sackett's Harbour.

*William B. Scott*, to be Surveyor and Inspector of the Revenue, for the Port of Town Creek.

*George Bullit*, to be Register of the Land Office for the District of Cape Girardeau.

*Benjamin S. Pope*, to be Register of the Land Office at Huntsville.

*Obadiah Jones*, to be Receiver of Public Moneys for the District of Huntsville.

*Heartwell Boswell*, to be Register of the Land Office for the District of Lawrence.

*George F. Strother*, to be Receiver of Public Moneys for the District of St. Louis.

*Andrew P. Hay*, to be Receiver of Public Moneys for the District of Jeffersonville, Indiana.

*Abraham R. Laurence*, to be appraiser of Goods for the Port of New-York.

*Nathaniel Phillips*, to be Surveyor and Inspector of the Revenue for the Port of Warren, Rhode-Island.

*James Johnson*, to be Collector of the Customs for the District of Norfolk and Portsmouth.

*Robert Hanna, Jr.* to be Register of the Land Office for the District of Brookville, Indiana.

*Thomas B. Vanhorn*, to be Register of the Land Office for the District of Piqua, Ohio.

*Lazarus Noble*, to be Receiver of Public Moneys for the District of Brookville, Indiana.

*Ambrose Whitlocke*, to be Receiver of Public Moneys for the District of Terra Haute, Indiana.

*William Dum*, to be Register of the Land Office for the District of Terra Haute, Indiana.

*John Hays*, to be Receiver of Public Money at Jackson, Missouri.

*Hornton Howard*, to be receiver of Public Moneys for the District of Delaware, Ohio.

*Luke Drury*, to be Collector of the Customs for the District of Bristol and Warren, R. Island.

*Joseph Dunbar*, to be Receiver of Public Moneys for the District of Washington, Mississippi.

*Platt Brush* to be Register of the Land Office for the District of Delaware, Ohio.

*Thomas Gatewood*, to be Naval Officer for the Port of Norfolk, Va.

*Mark Langdon Hill*, to be Collector of the Customs for the District, and Inspector of the Revenue for the Port of Bath, Maine.

*William Carson*, of Missouri, to be Register of the Land Office for the District of Salt River, Missouri.

*Henry T. Lane*, of Missouri, to be Receiver of Public Moneys for the District of Salt River, Missouri.

*Braxton B. Winn*, of Kentucky, to be Surveyor and Inspector of the Revenue for the Port of St. Marks, East Florida.



**Laws.***Continued from folio 640.*

CHAP. 210. An ACT making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New-York, against the United States.

[SECT. 1.] *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of sixty thousand two hundred and thirty-nine dollars and twenty-four cents, shall be, and is hereby, appropriated, to be paid by the Secretary of the Treasury to Daniel D. Tompkins, late Governor of the State of New-York, in full for the balance found due him, for his services, losses, and disbursements, for, or on account of, the United States, during the late war with Great Britain. [Approved, May 26, 1824.]

CHAP. 211. An ACT granting a tract of land to the Parish of West Baton Rouge, on certain conditions.

[SECT. 1.] *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the right of the United States to a tract of land, of about eight arpens front, on the Mississippi river, be, and the same is hereby, granted to the inhabitants of the Parish of West Baton Rouge, within which said land is situated, on condition that said parish shall, at all times, keep, or cause to be kept, a good and sufficient levee on said land, in front on the river Mississippi; and, if they should, at any time hereafter, cease to keep, or cause to be kept, a good and sufficient levee, the land shall revert to the United States. [Approved, May 26, 1824.]

**Resolutions.**

RESOLUTION in relation to an intended visit of the Marquis de La Fayette to the United States.

The Marquis de La Fayette having expressed his intention to revisit this country--

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished for him by the Government and People of the United States:

*And be it further resolved,* That, whenever the President shall be informed of the time when the Marquis may be ready to embark, that a National Ship, with suitable accommodation, be employed to bring him to the United States.

[Approved, February 4th, 1824.]

RESOLUTIONS providing a place of deposit for the Portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Portrait of Columbus, presented to the nation by G. G. Barrell, United States' Consul at Malaga, be placed in the Library of Congress.

*Resolved,* That the two hundred copies of the Declaration of Independence, now in the Department of State, be distributed in the manner following: two copies to each of the surviving Signers of the Declaration of Independence; two copies to the President of the United States; two copies to the Vice-President of the United States; two copies to the late President, Mr. Madison; two copies to the Marquis de Lafayette; twenty copies for the two Houses of Congress; twelve copies for the different Departments of the Government; two copies for the President's House; two copies for the Supreme Court Room; one copy to each of the Governors of the States; and one to each branch of the Legislatures of the States; one copy to each of the Governors of the Territories of the United States; and one copy to the Legislative Council of each Territory; and the remaining copies to the different Universities and Colleges of the United States, as the President of the United States may direct.

*Resolved,* That the President of the United States be requested to cause the distribution of the said copies of the Declaration of Independence to be made, agreeably to the foregoing resolution. [Approved, May 26, 1824.]

**Treaties.**

JAMES MONROE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

*To all and singular to whom these presents shall come, greeting:*

WHEREAS a Treaty between the United States of America and the Florida tribes of Indians was made and concluded, on the eighteenth day of September, one thousand eight hundred and twenty-three, at Camp, on Moultrie Creek, in the Territory of Florida, by Commissioners on the part of the United States, and certain Chiefs and Warriors of the said tribes, on the part, and in behalf of the said tribes; which treaty is in the words following, to wit:

ARTICLE I. The undersigned chiefs and warriors, for themselves and their tribes, have appealed to the humanity, and thrown themselves on, and have promised to continue under, the protection of the United States, and of no other nation, power, or sovereign; and, in consideration of the promises and stipulations hereinafter made, do cede and relinquish all claim or title which they may have to the whole territory of Florida, with the exception of such district of country as shall herein be allotted to them.

ARTICLE II. The Florida tribes of Indians will hereafter be concentrated and confined to the following metes and boundaries: commencing five miles north of Okehumke, running in a direct line to a point five miles west of Setarky's settlement, on the waters of Amazura, (or Withlahuche river,) leaving said settlement two miles south of the line; from thence, in a direct line, to the south end of the Big Hammock, to include Chickahate; continuing, in the same direction, for five miles beyond the said Hammock—provided said point does not approach nearer than fifteen miles the sea coast of the Gulf of Mexico; if it does, the said line will terminate at that distance from the sea coast; thence, south, twelve miles; thence in a south 30 dg. east direction, until the same shall strike within five miles of the main branch of Charlotte river; thence, in a due east direction, to within twenty miles of the Atlantic coast; thence, north, fifteen west, for fifty miles and from this last, to the beginning point.

ARTICLE III. The United States will take the Florida Indians under their care and patronage, and will afford them protection against all persons whatsoever; provided they conform to the laws of the United States, and refrain from making war, or giving any insult to any foreign nation, without having first obtained the permission and consent of the United States: And, in consideration of the appeal and cession made in the first article of this treaty, by the aforesaid chiefs and warriors, the United States promise to distribute among the tribes, as soon as concentrated, under the direction of their agent, implements of husbandry, and stock of cattle and hogs, to the amount of six thousand dollars, and an annual sum of five thousand dollars a year, for twenty successive years, to be distributed as the President of the United States shall direct, through the Secretary of War, or his Superintendents and Agent of Indian Affairs.

ARTICLE IV. The United States promise to guaranty to the said tribes the peaceable possession of the district of country herein assigned them, reserving the right of opening through it such roads, as may, from time to time, be deemed necessary; and to restrain and prevent all white persons from hunting, settling, or otherwise intruding upon it. But any citizen of the United States, being lawfully authorized for that purpose, shall be permitted to pass and repass through the said district, and to navigate the waters thereof, without any hindrance, toll, or exaction, from said tribes.



ARTICLE V. For the purpose of facilitating the removal of the said tribes to the district of country allotted them, and, as a compensation for the losses sustained, or the inconveniences to which they may be exposed by said removal, the United States will furnish them with rations of corn, meat, and salt, for twelve months, commencing on the first day of February next; and they further agree to compensate those individuals who have been compelled to abandon improvements on lands, not embraced within the limits allotted, to the amount of four thousand five hundred dollars, to be distributed among the sufferers, in a ratio to each, proportional to the value of the improvements abandoned. The United States further agree to furnish a sum, not exceeding two thousand dollars, to be expended by their agent, to facilitate the transportation of the different tribes to the point of concentration designated.

ARTICLE VI. An agent, sub-agent, and interpreter, shall be appointed, to reside within the Indian boundary aforesaid, to watch over the interests of said tribes; and the United States further stipulate, as an evidence of their humane policy towards said tribes, who have appealed to their liberality, to allow for the establishment of a school at the agency, one thousand dollars per year for twenty successive years; and one thousand dollars per year, for the same period, for the support of a gun and blacksmith, with the expenses incidental to his shop.

ARTICLE VII. The chiefs and warriors aforesaid, for themselves and tribes, stipulate to be active and vigilant in the preventing the retreating to, or passing through, of the district of country assigned them, of any absconding slaves, or fugitives from justice; and further agree, to use all necessary exertions to apprehend and deliver the same to the agent, who shall receive orders to compensate them agreeably to the trouble and expenses incurred.

ARTICLE VIII. A commissioner, or commissioners, with a surveyor, shall be appointed, by the President of the United States, to run and mark, (blazing fore and aft the trees) the line as defined in the second article of this treaty, who shall be attended by a chief or warrior, to be designated by a council of their own tribes, and who shall receive, while so employed, a daily compensation of three dollars.

ARTICLE IX. The undersigned chiefs and warriors, for themselves and tribes, having objected to their concentration within the limits described in the second article of this treaty, under the impression that the said limits did not contain a sufficient quantity of good land to subsist them, and for no other reason: it is, therefore, expressly understood, between the United States and the aforesaid chiefs and warriors, that, should the country embraced in the said limits, upon examination by the Indian agent and the commissioner, or commissioners, to be appointed under the 8th article of this treaty, be by them considered insufficient for the support of the said Indian tribes; then the north line, as defined in the 2d article of this treaty, shall be removed so far north as to embrace a sufficient quantity of good tillable land.

ARTICLE X. The undersigned chiefs and warriors, for themselves and tribes, have expressed to the commissioners their unlimited confidence in their agent, Col. Gad Humphreys, and their interpreter, Stephen Richards, and, as an evidence of their gratitude for their services and humane treatment, and brotherly attentions to their wants, request that one mile square, embracing the improvements of Enehe Mathla, at Tallahassee (said improvements to be considered as the centre) be conveyed, in fee simple, as a present to Col. Gad Humphreys. And they further request, that one mile square, at the Ocheese Bluffs, embracing Stephen Richard's field on said Bluffs, be conveyed in fee simple, as a present to said Stephen Richards. The commissioners accord in sentiment with the undersigned chiefs and warriors, and recommend a compliance with their wishes to the President and Senate of the United States; but the disapproval, on the part of the said authorities, of this article, shall, in no wise, affect the other articles and stipulations concluded on in this treaty.

In testimony whereof, the Commissioners, William P. Duval, James Gadsden, and Bernard Segui, and the undersigned Chiefs and Warriors have hereunto subscribed their names, and affixed their seals. Done at Camp, on Moultrie Creek, in the Territory of Florida, this eighteenth day of September, one thousand eight hundred and twenty-three, and of the Independence of the United States the forty-eighth.

William P. Duval,	L. S.
James Gadsden,	L. S.
Bernard Segui,	L. S.
Nea Mathla, his x mark,	L. S.
Tokose Mathla, his x mark,	L. S.
Ninne Homata Tusteniky, his x mark,	L. S.
Miconope, his x mark,	L. S.
Nocosee Ahola, his x mark,	L. S.
John Blunt, his x mark,	L. S.
Oulemata, his x mark,	L. S.
Tuskeeha, his x mark,	L. S.
Tuski Hajo, his x mark,	L. S.
Econchatimico, his x mark,	L. S.
Emoteley, his x mark,	L. S.
Mulatto King, his x mark,	L. S.
Chocholohano, his x mark,	L. S.
Emathlochee, his x mark,	L. S.
Woke Holata, his x mark,	L. S.
Amathla Ho, his x mark,	L. S.
Holatescico, his x mark,	L. S.
Chefiscico Hajo, his x mark,	L. S.
Lathloa Mathla, his x mark,	L. S.
Senufky, his x mark,	L. S.
Alak Hajo, his x mark,	L. S.
Fabelustee Hajo, his x mark,	L. S.
Octahamico, his x mark,	L. S.
Tusteneck Hajo, his x mark,	L. S.
Okoskee Amathla, his x mark,	L. S.
Ocheeny Tusteniky, his x mark,	L. S.
Phillip, his x mark,	L. S.
Charley Amathla, his x mark,	L. S.
John Hoponey, his x mark,	L. S.
Rat Head, his x mark,	L. S.
Holatta Amathla, his x mark,	L. S.
Foshatehimico, his x mark,	L. S.

Signed, sealed, and delivered, in presence of

George Murray, Secretary to the Commission.  
G. Humphreys, Indian Agent.  
Stephen Richards, Interpreter.  
Isaac N. Cox.  
J. Erving, Capt. 4th Artillery.  
Harvey Brown, Lieut. 4th Artillery.  
C. D'Espinville, Lieut. 4th Artillery.  
Jno. B. Scott, Lieut. 4th Artillery.  
William Travers.  
Horatio S. Dexter.

#### ADDITIONAL ARTICLE.

Whereas Nea Mathla, John Blunt, Tuski Hajo, Mulatto King, Emathlochee, and Econchatimico, six of the principal Chiefs of the Florida Indians, and parties to the treaty to which this article has been annexed, have warmly appealed to the Commissioners for permission to remain in the district of country now inhabited by them; and, in consideration of their friendly disposition, and past services to the United States, it is, therefore, stipulated, between the United States and the aforesaid Chiefs, that the following reservations shall be surveyed, and marked by the Commissioner, or Commissioners, to be appointed under the 8th article of this Treaty: For the use of Nea Mathla and his connections, two miles square, embracing the Taphulga village, on the waters of Rocky Comfort Creek. For Blunt and Tuski Hajo, a reservation, commencing on the Apalachicola, one mile below Tuski Hajo's improvements, running up said river four miles; thence, west, two miles; thence, southerly, to a point two miles due west of the beginning; thence, east, to the beginning point. For Mullatto King and Emathlochee, a reservation, commencing on the Apalachicola, at a point to include Yellow Hair's improvements; thence, up said river, for four miles; thence, west, one mile; thence, southerly, to a point one mile west of the beginning; and thence, east, to the beginning point. For Econchatimico, a reservation, commencing on the Chatahoochie, one mile below Econchatimico's house; thence, up said river, for four miles; thence, one mile, west; thence, southerly, to a point one mile west of the beginning; thence,



east, to the beginning point. The United States promise to guaranty the peaceable possession of the said reservations, as defined, to the aforesaid chiefs and their descendants *only*, so long as they shall continue to occupy, improve, or cultivate, the same; but in the event of the abandonment of all, or either of the reservations, by the chief or chiefs, to whom they have been allotted, the reservation, or reservations, so abandoned, shall revert to the United States, as included in the cession made in the first article of this treaty. It is further understood, that the names of the individuals remaining on the reservations aforesaid, shall be furnished, by the chiefs in whose favour the reservations have been made, to the Superintendent or agent of Indian Affairs, in the territory of Florida; and that no other individuals shall be received or permitted to remain within said reservations, without the previous consent of the Superintendent or Agent aforesaid; And, as the aforesaid Chiefs are authorized to select the individuals remaining with them, so they shall each be separately held responsible for the peaceable conduct of their towns, or the individuals residing on the reservations allotted them. It is further understood, between the parties, that this agreement is not intended to prohibit the voluntary removal, at any future period, of all or either of the aforesaid Chiefs and their connections, to the district of country south, allotted to the Florida Indians, by the second article of this Treaty, whenever either, or all may think proper to make such an election; the United States reserving the right of ordering, for any outrage or misconduct, the aforesaid Chiefs, or either of them, with their connections, within the district of country south, aforesaid. It is further stipulated, by the United States, that, of the six thousand dollars, appropriated for improvements of husbandry, stock, &c. in the third article of this Treaty, eight hundred dollars shall be distributed, in the same manner, among the aforesaid chiefs and their towns; and it is understood, that, of the annual sum of five thousand dollars, to be distributed by the President of the United States, they will receive their proportion. It is further stipulated, that, of the four thousand five hundred dollars, and two thousand dollars, provided for by the 5th article of this Treaty, for the payment for improvements and transportation, five hundred dollars shall be awarded to Nea Mathla, as a compensation for the improvements abandoned by him, as well as to meet the expenses he will unavoidably be exposed to, by his own removal, and that of his connections.

In testimony whereof, the Commissioners, William P. Duval, James Gadsden, and Bernard Segui, and the undersigned Chiefs and Warriors, have hereunto subscribed their names, and affixed their seals. Done at Camp, on Moultrie Creek, in the territory of Florida, this eighteenth day of September, one thousand eight hundred and twenty-three, and of the independence of the United States the forty-eighth.

Wm. P. Duval,	L. S.
James Gadsden,	L. S.
Bernard Segui,	L. S.
Nea Mathla, his x mark,	L. S.
John Blunt, his x mark,	L. S.
Tuski Hajo, his x mark,	L. S.
Mulatto King, his x mark,	L. S.
Emathlochee, his x mark,	L. S.
Eonchatimico, his x mark,	L. S.

Signed, sealed, and delivered, in presence of  
George Murray, Secretary to the Commission.  
Ja. W. Ripley.  
G. Humphreys, Indian Agent.  
Stephen Richards, Interpreter.

The following statement shows the number of men retained by the Chiefs, who have reservations made them, at their respective villages:

	Number of men.
Blount, - - - - -	43
Cochran, - - - - -	45
Mulatto King, - - - - -	30
Emathlochee, - - - - -	28
Eonchatimico, - - - - -	38
Nea Mathla, - - - - -	30
Total	214

Now, therefore, be it known, that I, JAMES MONROE, President of the United States of America, having seen and con-

sidered the said Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their resolution of the twenty-third of last month, accept, ratify, and confirm the same, and every clause and article thereof, with the exception of the tenth article of said Treaty.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this second day of January, in the year of our Lord one thousand eight hundred and twenty-four, and of the Independence of the United States the forty-eighth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,

Secretary of State.

JAMES MONROE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

To all and singular to whom these presents shall come, greeting:

Whereas a Treaty between the United States of America and the Cherokee Indians was made and concluded, on the twenty fourth day of October, one thousand eight hundred and four, in the Garrison of Tellico, on Cherokee ground, within the United States, by Commissioners on the part of the United States, and certain Chiefs and Warriors of said nation, on the part and in behalf of said nation, which Treaty is in the words following, to wit:

*Articles of a Treaty between the United States of America and the Cherokee Indians.*

Daniel Smith and Return J. Meigs, being commissioned by Thomas Jefferson, President of the United States, with powers of acting in behalf of the said United States, in arranging certain matters with the Cherokee nation of Indians; and the undersigned principal Chiefs, representing the said nation, having met the said Commissioners in a conference at Tellico, and having taken into their consideration certain propositions made to them by the said Commissioners of the United States; the parties aforesaid, have unanimously agreed and stipulated, as is definitely expressed in the following articles:

ARTICLE 1st. For the considerations hereinafter expressed, the Cherokee nation relinquish and cede to the United States, a tract of land bounding, southerly, on the boundary line between the State of Georgia and the said Cherokee nation, beginning at a point on the said boundary line northeasterly of the most northeast plantation, in the settlement known by the name of Wafford's Settlement, and running at right angles with the said boundary line four miles in the Cherokee lands; thence at right angles southwesterly and parallel to the first mentioned boundary line, so far as that a line, to be run at right angles southerly to the said first mentioned boundary line, shall include, in this cession, all the plantations in Wafford's settlement, so called, as aforesaid.

ARTICLE 2d. For, and in consideration of, the relinquishment and cession, as expressed in the first article, the United States, upon signing the present Treaty, shall cause to be delivered to the Cherokees, useful goods, wares, and merchandise, to the amount of five thousand dollars, or that sum in money, at the option (timely signified) of the Cherokees, and shall, also, cause to be delivered, annually, to them, other useful goods to the amount of one thousand dollars, or money to that amount, at the option of the Cherokees, timely notice thereof being given, in addition to the annuity, heretofore stipulated, and to be delivered at the usual time of their receiving their annuity.

In witness of all and every thing, herein determined, between the United States and the Cherokee Nation, the parties have hereunto set their hands and seals, in the Garrison of Tellico, on Cherokee ground, within the United States, this twenty-fourth day of October, in the year one thousand eight hundred and four, and in the twenty-ninth year of the independence and sovereignty of the United States.

Daniel Smith.

Return J. Meigs.

Molluntuskie, his x mark.

Broom, his x mark.

John McLamore, his x mark.



Quotqueskee, his x mark.  
 Path Killer, his x mark.  
 Tagustiskee, his x mark.  
 Tulio, his x mark.  
 Sour Mush, his x mark.  
 Keatchee, his x mark.  
 James Vann.

#### Witnesses.

Rob. Purdy, Secretary.  
 John McKee.  
 Jno. Campbell, Cap. 2d U. States'  
 Regt. commanding.  
 John Brahan, Lieut. 2d reg't Infantry.  
 Thos. J. Van Dyke, Surgeons' Mate.  
 Wm. Chapp.  
 Hinchey Pettway.  
 Wm. L. Lovely, Ass't. Ag't.  
 Ch. Hicks, Interpreter.

Now, therefore be it known, that I, JAMES MONROE, President of the United States of America, having seen and considered the said Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their resolution of the thirteenth of the present month, accept, ratify, and confirm the same, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this seventeenth day of May, in the year of our Lord one thousand eight hundred and twenty-four, and of the Independence of the United States the forty eighth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,  
 Secretary of State.

[The publication of all the Laws and Resolutions of the 1st Session of the 18th Congress, and of the Treaties ratified during the same, are now completed. An Index to the whole will soon be given.]

#### Documents.

*Message from the President of the United States, transmitting a Report of the Secretary of War, respecting Proposals made by certain Cherokee Indians, for the Cession of their Lands to the United States.*

TO THE HOUSE OF REPRESENTATIVES:

I herewith transmit to the House of Representatives a report from the Secretary of War, which contains the information requested by the resolution of the 8th instant, respecting the proposals that were made by certain Indians, therein described, of the Cherokee Nation, for the cession of their lands to the United States.

April 16th, 1824.

JAMES MONROE.

WAR DEPARTMENT, April 12th, 1824.

SIR:—I have the honour to furnish, herewith, copies (marked A.) of all the correspondence called for by the resolution of the House of Representatives, of the 8th instant, in relation to proposals made by several Creek Path Indians of the Cherokee Nation, to make cession of their lands to the United States: also, a copy of a letter from this Department, (marked B.) to Colonel Meigs, on the subject of that proposition. I have the honour to be, very respectfully, your obedient servant,

J. C. CALHOUN.

To the President of the United States.

A.

Division of the South, Head Quarters, Nashville, January 18, 1821.

SIR:—On yesterday, a deputation of Cherokees from the Creek Path Town, consisting of George Fields, Wolfe, and Turtle Fields, handed me the letters marked A, B, and C, herewith enclosed. The paper marked D, contains the explanation and talk delivered to me by their confidential agent, Turtle Fields, and subscribed to by the others, which is also enclosed.

On my return from the Creek frontier, last summer, and passing through the lower part of the Cherokee country, I found great dissatisfaction prevailed, arising from the jealousy of Hicks and others, which I think, I communicated to you.

When I set out to hold a treaty with the Choctaws, I heard that the Path Killer had sent to me a deputation. They passed my house,

and finding me not at home, followed me to the Choctaw nation.— That deputation consisted of part of the present, viz.: George Fields and Wolfe. They remained with me during the negotiation with the Choctaws; said they had a talk for me when it was concluded; and appeared very desirous that the Choctaws should obtain a country adjoining their Cherokee brothers on the Arkansas, that they might aid each other in the day of danger. They did not, however, hint their business till I reached Russellville, Alabama, on my return, and on the morning when we were to part. They then informed me of their instructions to consult me, whether their Father, the President of the United States, would, upon the terms mentioned in their talk, marked D, and herewith enclosed, give to them the reservation asked for—informing me, also, that they had no confidence in Hicks, &c.; that their people had not been heard in council, and, for three years, had not received any part of the annuities; that they were fearful that Hicks and others would, at some future day, cheat them out of their land: all of which they wished to make known to their Father, the President of the United States, and get him to secure them permanently in the lands they now ask for. I then told them that I could make no communication to their Father, the President, until the chiefs of their town would, in writing, address me on that subject; when that was done, I would freely make it known, through you, to him, and I had no doubt but it would be granted.

I do believe it to be a reasonable request, and ought to be granted. It is a small demand, compared to what their population entitles them, out of the whole country reserved to the Cherokee nation. The only good land on the reserve asked for, is on Thompson and Brown's Creeks. The distance from the one to the other is about one and a half miles, and from Brown's to Short Creek is about one and a half. The whole reservation does not contain more than six thousand acres of good land; the balance is rock and mountain of the most rugged kind.

I do believe, in a political point of view, as well as justice to these people, their prayer ought to be noticed. It is inviting Congress to take up the subject, and exercise its power, under the Hopewell treaty, of regulating all the Indian concerns as it pleases. This is a precedent much wanted; that the absurdity in politics may cease, of an independent sovereign nation holding treaties with people living within its territorial limits, acknowledging its sovereignty and laws, and who, although not citizens, cannot be viewed as aliens, but as the real subjects of the United States. If Congress, by law, will, on the terms proposed, take up the subject, and give them the grant asked for, it will give to Georgia and Alabama all the Cherokee lands not settled upon by those who will petition Congress, at the next session, for the right of citizenship. In short, I believe, in a very short time, these people will offer this part of reserved land to the United States, for lands on the Arkansas; and as part of their nation is now there, good policy will dictate the propriety of sending all there, who do not wish to remain where they now are, as citizens of the United States. This belief is bottomed on my mere opinion, and to be taken as such. These people wishing to go to the Arkansas, could not, unless they abandoned their improvements, without compensation. They now fear the injustice of the upper part of the nation, and desire to become independent of them, and be in such a situation that they can remain where they now are, forever, or, if they choose, offer theirs for other land, in a country more beneficial to themselves.

If the real object of the government is to send all over the Mississippi that are not disposed to be citizens, to consolidate our southern population, now is the proper time for Congress to take up the subject, allow the grant, and establish a happy precedent, that will hereafter establish a rule of legislating for, rather than treating with, the Indians within our territorial limits. This will secure to the nation of Indians more justice, and great saving to our nation. I have only to add, that I do hope their prayer may be granted, and the precedent established, of Congress legislating for them.

I am sir, with great respect, your most obedient servant,  
 ANDREW JACKSON.

The Hon. J. C. Calhoun, Secretary of War.

A.

Creek Path Town, January 3, 1821.

*Address of the Chiefs and Warriors of Creek Path Town, in the Cherokee Nation, to Major General Andrew Jackson.*

DEAR SIR:—Having learned by our messenger, George Fields, your friendly disposition towards us, your having told him to inform



us that you would use your influence to see justice done to us, with respect to the land we now live on, we address you with full confidence that you will not see us wronged out of what we consider our just right by any persons whatever. Unhappily, differences exist between us and the upper part of the nation—they claim the right of depriving us of our lands when they think fit to do so; they allow us no voice in the national councils, and, in fact, treat us, in a manner, as intruders. We now appeal to you to use your influence to have us reinstated in the enjoyments and privileges we formerly possessed, as a part of our nation, and to put it out of the power of the upper part of the nation to dispose of our lands against our consent. Owing to indisposition, the Path Killer is not with us while writing this, but has sent us, by a trusman, what he wishes inserted in this letter, (which is, as nearly as the writer can understand, to this effect:) "My Dear Brother: My first acquaintance with you was at Fort Strother, in the Creek campaign. We went on and beat our enemies. The next time I saw you was at Turkey town. Then, after that, you was at Hiwassee; but, from my indisposition at that time, I was deprived of the pleasure of seeing you; but was much pleased to hear of the good advice you gave my people, particularly to the women. We feel thankful to you for having the intruders removed from amongst us. We feel satisfied that you will keep them from off our lands and from doing violence to us. We have been informed that some of them intend returning and planting corn again in the spring; but trust you will have them removed if they should.—Captain James Reed, and his sons, have been a protection to our property ever since they have lived amongst us. We hope that you will do what you think best, in order to give them power to suppress any bad practices of ill-disposed white men towards us. For further information, we refer you to our messenger, George Fields, who will give you a full account of our wishes with respect to boundaries, &c."

The Path Killer commenced a letter to you; but, for the want of a writer who could explain to you what he wished to communicate, he had to decline it. The scrap, as begun, we have sent enclosed by George Fields, and others, whom we shall send; and, on their return, we request that you will be so good as to write to us on the subject of this letter.

Accept, dear Sir, assurances of our regard and good will.

SPEAKER, ✕ NIGHT-KILLER, ✕  
WASAUCY, ✕ JAMES SPENCER, ✕  
ARCHIBALD CAMPBELL, ✕ JOHN THOMPSON.

B. January 8th, 1821.

Sir: We, the Chiefs of Creek Path, do send the two messengers that you saw before, with two more with them, and we would wish you to receive them as your real friends, as they are. We have chosen one man out of the four, that, if any thing should be omitted in writing to you, that he shall tell you of our wishes, and we wish you to receive what he tells you the same as if it was a letter; the one who will tell you is Turtle Fields, one of our young Chiefs. If our messengers should fall short of money or provisions, by being detained, we would wish you to assist them.

We remain, with respect, your real friends and well wishers.

SPEAKER, ✕ JAMES SPENCER, ✕  
WASAUCY, ✕ JOHN THOMPSON.  
ARCHIBALD CAMPBELL, ✕

C. December 11, 1820.

MY DEAR WHITE BROTHER: I understand by our messengers that you are resolved to do any thing for us respecting our petition, and, if it is the case, I want you to do every thing that is in your power for us.

PATH KILLER, ✕

The King of the Cherokee Nation.

D.

The following chiefs, as a delegation from the lower part of the Cherokee nation, viz. George Fields, Wolfe, and Turtle Fields, reached Nashville this 17th of January, 1821, and presented to me the following letters: first, an address of the chiefs and warriors of the Creek Path Town, in the Cherokee nation, to Major General Andrew Jackson, dated 3d of January, 1821, signed by the Speaker, Wausacy, Archibald Campbell, Night Killer, James Spencer, and John Thompson; another from the same chiefs, dated the 8th of January, 1821; and one from the Path Killer, chief of the Cherokee nation; dated the 11th of December, 1820. On the 8th of January, 1821, I met this delegation, and had the following talk with them:

Friends and Brothers: I am glad to see you, and shake you by the hand, and greet you, not only as friends and brothers, but as

my trusty warriors, and to express to you the pleasure I feel on hearing that my old friend and brother the Path Killer still lives.

Friends and Brothers: I have read the two letters from your chiefs, and the one from the principal chief of the Cherokee nation, Path Killer, with great attention; and can assure you, your chiefs and warriors, that I have no doubt but your father, the President of the United States, will do every thing he can do, to secure you in possession of that tract of land you desire, upon your relinquishing to the United States, all claim to any other part of the land reserved to the Cherokee nation.

But, before I can forward your letters and request to your father the President, you must state to me the precise bounds of the country your chiefs and warriors wish to have reserved for themselves; the number of families, and the number of the chiefs and warriors within your district, who wish to be included in the bounds of your reservation which you ask for.

To which they answered: The reservation we wish, is represented in the plan we hand you, and bounded as follows: beginning on the south bank of the Tennessee river, above Ditto Landing, where the present Cherokee boundary is established; thence, with said line, round the head of Thompson's and Brown's creek, to an acute point in said line, north east of General Jackson's trace to Fort Strother; then, a due north line to Short creek; thence, down said creek, to the Tennessee river, to include the islands at the mouth of Short creek; and thence, down Tennessee, to the beginning.

There are, and will be, settled within these bounds, about eighty families, and upwards of one hundred chiefs and warriors. Upon our father the President, and Congress of the United States, securing to us, the chiefs and warriors of said district, a permanent right to said land, as above described, we will relinquish to the United States all claim to any other land within the lands reserved for the Cherokee nation by treaty. We are instructed to state to you, and to request you to lay the same before our father the President of the United States, that we are entitled to a proportionable part of the annuities granted to the Cherokee nation by treaty with the United States, that have become due, or may hereafter become due, none of which we have received for three years, nor have we been heard by our chiefs in council for that period. The council for the Cherokee nation last fall divided the nation in eight districts or countries: the one in which we live is bounded as follows: beginning on the Tennessee river, at the mouth of Racoon creek, runs up that creek to its source; thence, in a direct line to the forks of Coosa river, at the mouth of Emuchy creek; thence, to the Creek line, with the Creek line to the Coosa river, with the Coosa river to the mouth of Well's creek; thence, with the Cherokee boundary, to the Tennessee river, and up that river to the beginning; which, being considered one-eighth part of the nation, we are entitled to one-eighth part of the annuities, which we pray may be secured to us, and placed into the hands of our own chiefs, to be equally divided amongst us by them in whom we have confidence, under the conditions and stipulations of the treaty of 1817, which secured to all who wished to remove to Arkansas compensation for their improvements, transportation, and provisions; many of us were prepared to remove, and incurred great expense; we were forbidden by our king and chief the Path Killer. Without the consent of any of the chiefs of our town, a delegation was sent on to the City of Washington, who made a treaty, securing to themselves, and some others, reserves and benefits, rescinding the stipulations of the treaty of 1817, which secured to the Cherokee pay for his improvement, and transportation and provision on his removal, which has prevented many who were prepared to remove to the Arkansas: from such acts as these we are fearful that the upper part of the nation may, at some future day, deprive us of our country. without our consent: we, therefore, wish the President and Congress to take into consideration our prayer, and that, by a solemn act, we may be permanently secured in the title to the bounds herein set forth, and in the plan handed you, and that we may be protected from the intrusion of others, by wholesome regulations; all which we request you, for ourselves, and as representatives of the chiefs and warriors of our district, you will lay before the President of the United States; and, looking to you as a friend and brother, that you will use your influence with our father the President of the United States, that our prayers may be heard, and that we and our property may be secured in the peaceable enjoyment and permanent possession of the small spot of land we ask for.

GEORGE FIELDS,  
TURTLE FIELDS, his ✕ mark.  
WOLFE, his ✕ mark.

Test—ANDREW JACKSON.



## DIVISION OF THE SOUTH.

HEAD QUARTERS, Nashville, January 18, 1821.

FRIENDS AND BROTHERS: By the hands of our brothers, George Fields, Wolfe, and Turtle Fields, I received your letters, one from my old friend and brother, the king of your nation, the Path Killer, dated the 11th December, 1820, and two from your chiefs, the Speaker, Wausacy, Archibald Campbell, Night Killer, James Spencer, and John Thompson, which I have read and considered with great attention, and have received from the mouth of your faithful friend and agent, Turtle Fields, who has explained to me all your wishes, not expressed in your letters; as it respects the boundary you wish reserved, and the grievances you labour under, from the want of being heard in the councils of your nation, by your chiefs, heretofore, and your apprehensions of being hereafter deprived of your country without your consent, as you have been of receiving your proportion of the annuities for the last three years; all of which I think reasonable, and I have no doubt but will be heard and redressed by your father, the President of the United States.

You have fought with me. I then told you I was your friend; that your father, the President of the United States, was not only your friend, but he loved you as children, and he would act always as your friend. You now ask him, through me, to have secured to you a tract of country, small in proportion to what you are entitled to, compared with your numbers, and compared with the whole country reserved by treaty, for the use of the whole Cherokee nation; and to have this allotted to you and your posterity, permanently, so that your nation cannot sell, without your consent, to the United States—relinquishing all right to any other land you may be entitled to, which has been secured by treaty to the Cherokee nation, and which may of right belong to you as a part of that nation. This is so reasonable that I have no doubt but your father, the President of the United States, and Congress assembled, will readily grant. The chiefs of the upper part of your nation cannot complain of this. They can procure, by proper application, the same security. This done, you know that you will rest unmolested in possession of what is thus allotted to you as long as you choose to possess it; and, if the upper part of the nation chooses, it can obtain the same security you now ask for. I hope your request will be granted you; and I can assure you, as a friend and brother, and as a friend of your whole nation, that, as far as I have influence, it shall be exercised to obtain your request from the President and Congress of the United States; and for which purpose I have transmitted to your father, the President, the three letters received by your trusty friends and brothers addressed to me, as well as your trusty agent, Turtle Field's explanation of all your wishes. So soon as I receive an answer from your father, the President of the United States, I will forward it to you.

Friends and Brothers: I never have flattered or deceived one of my red brothers. I never tell them lies. I have not the power to say positively that your request will be granted; and that I will make a faithful recommendation of it to your father, the President of the United States, and use my influence that the reserve you ask shall be made to you; your happiness and permanent security require it: the interest of your white brethren urges it; from which I conclude it will be granted to you. I have directed your delegation to shake you all by the hand for me as friends and brothers, and say to you that I wish the happiness of you, and your whole nation.

I am your friend and brother, ANDREW JACKSON.

To the Path Killer,  
Speaker,  
Wausacy  
Archibald Campbell,  
Night Killer,  
James Spencer,  
John Thompson.

Nashville, Dec. 8, 1822.

SIR: A few days since I received the communication herewith enclosed from the Creek-Path Cherokee Indians, and in reply gave it as my opinion, that our Government would not be disposed to purchase any of their lands, unless with the approbation of at least a majority of the head men of the nation.

But, as they were desirous to know the disposition of the President in relation to this matter, I have thought proper to forward their address, and to request that you will be pleased to communicate such decision as may be made thereon.

I have the honour to be &c. &c. WM. CARROLL.  
The Hon. J. C. CALHOUN, Washington City.

Cherokee Nation, Nov. 2, 1822.

DEAR SIR: We, the undersigned, Chiefs of the Creek-Path towns in the said Cherokee nation, beg your attention, a short time, to read a few lines addressed to you from your red brethren, the Creek

Path people. You are no stranger to the services we rendered you in time of the Creek war, when we were under the command of Gen. Jackson. At that time we had Col. Richard Brown, our beloved Chief, for our leader; but he is now no more, and it is us that feels the effects to our sorrow. While he was yet alive, we had a representative in our national councils; but since his death we have none, nor can't be heard, and for no other reason than this: About the summer of 1817, General Jackson being appointed by the United States to hold a conference with the Cherokees, at Turkey town, on Coosa river, for the purpose of extinguishing part or all of the Cherokee claim of land, but did not, at that time, get his ends accomplished. Some time after this, Governor M'Minn was appointed commissioner, to conclude said treaty at Highwassee, when we fully understood our country was to be given up as a part of said cession, but finally they did not treat with Governor M'Minn, and appointed a delegation, altogether from the upper part of the nation, giving us no chance to be heard at all. These went on to the Federal City, and made a treaty to please themselves, which made them and their friends all rich, by getting money and reservations of 640 acres of the best lands in all the country, in the mean time getting rights in fee simple for all their relations, (a great part boys and women,) that never had been of any service to their country, and leaving men out who has been of essential service to the United States, such as Capt. John Thompson, for one, who you were well acquainted with during the war. True it is, some of us did enrol our names as Arkansas emigrants, not knowing but our lands were sold at the same time; and finding, shortly after, they were not, we sat still on our farms that we had made, thinking no one had a better right than we who made them. Nevertheless, we see plainly there is no peace for us on this side the Mississippi. Therefore, we have sent our long tried friend, Capt. James Reed, to you, for the purpose of getting you to use your influence with the General Government, and your state members in Congress, for us, the Creek Path people, to have privileges to sell our own part of the country, at a reasonable price, to the United States, and for us to reap the benefit of the proceeds of the sales, to enable us to move away in peace, well knowing the United States is not bound to furnish us with any thing, without an equivalent, to defray the expense in removing away. We are not able to move without we can have that privilege. The upper Chiefs are now in Council, as we understand, for the purpose of selling all the Cherokee lands in the chartered limits of the state of Georgia. The next will be ours, if they can. Our request is a reasonable one. We only want from the mouth of Short Creek down, which is only eight miles above Deposit, on Tennessee river; then, to Coffee's bluff; then, with the crooked line that Gen. Coffee run, for the express purpose of favouring the Creek Path people, otherwise it would have been government land before this time. The bearer can give you full information on the subject, having lived among us for several years. In confidence, we conclude, and remain your respectful brothers, so long as we live.

WAUSACY, GEORGE GESS,  
SPEAKER, JAMES SPENCER,  
GEORGE FIELDS, YOUNG WOLFE,  
TURTLE FIELDS, JOHN THOMPSON, Intr.

To His Excellency Wm. Carroll, Governor of the State of Tennessee.

B.

Copy of a letter from the Secretary of War, to Col. R. J. Meigs, Cherokee Agent, dated

Department of War, 30 December, 1822.

SIR: I have received your letters of the 20th and 22d ult, and the 4th instant.

The Department has been apprized of the proceedings of the National Committee, and Council by a communication from them, previous to the receipt of your letter of the 22d ultimo. Your remarks upon these proceedings are believed to be correct, and it is hoped, notwithstanding the declaration which they contain, a treaty will be effected with the Cherokee nation, by the Commissioners appointed for that purpose. The enclosed extract of a letter from the Creek Path towns, addressed to Governor Carroll, and transmitted by him to this Department, will shew that the nation is not unanimous in the declaration, not to cede any more lands, above referred to; and you will use every proper exertion to dispose the nation generally to meet the Commissioners at the time appointed by them, for holding the purposed treaty.

You will lay the enclosed extract before the commissioners, for their information, on their arrival at the agency.

I have, &c. &c. J. C. CALHOUN,  
COL. R. J. MEIGS, Cherokee Agent.



## GABRIEL RICHARD.

*Report of the Committee on Elections on the petition of John Biddle, contesting the Election of Gabriel Richard. January 13, 1824: Read, and ordered to lie upon the table.*

The Committee of Elections, to whom was referred the petition of John Biddle, contesting the right of Gabriel Richard to a seat in this House, as a Delegate from the Territory of Michigan, have had the same under consideration; and REPORT:

The petitioner objects to the right of the sitting Delegate to retain his seat, for the following reasons: 1st, That he is not a citizen of the United States, but, on the contrary, is an alien, owing allegiance to a foreign power; and that, although he has been naturalized before a court of the territory, yet that this court, not being of that description which, by the laws of the United States, is authorized to admit aliens to become citizens, his admission is of no validity.

2nd. That, even admitting the authority of the court, the naturalization not having taken place one year previous to the election, he is still disqualified from retaining his seat. In entering upon the consideration of this subject, the first point that presents itself is the authority on which the right of a territory to be represented by a delegate of the House of Representatives is founded; and, next, the qualifications which it is requisite such delegates should possess. The office is one which is not provided for in the constitution. It grew out of the ordinance of Congress for the government of the Northwestern territory, passed anterior to the adoption of the constitution of the United States, and has formed the basis of all the territorial governments which have since existed. By that ordinance, no qualifications were required of the person elected a delegate; nor do the laws of the United States, which have been subsequently passed, in relation to the election of delegates from other territories, prescribe any. The committee will not attempt to discuss, much less to decide, the propriety of allowing persons who are not citizens of the United States, or who may owe allegiance to a foreign government, to hold seats in this House as delegates from territories. It will be sufficient to state the fact, that there are no statutory provisions on the subject; and that, unless it may be deduced from the general principles of the constitution, there is no authority to exclude an alien from holding a seat in Congress as a delegate from a territory. The case under consideration does not, however, present itself in such manner as to render a decision of this point absolutely necessary. By the documents which have been referred, it appears that the sitting delegate is a native of France; that he emigrated to the United States in 1792, with an intention of residing therein; that he has so resided until the present time; that, in June, 1823, he made application to the court of Wayne county, in the territory of Michigan, then holden in the city of Detroit, and was admitted to become a citizen of the United States. The question now comes up for consideration, whether this court is of the description which have authority competent to perform acts of this kind? The act of Congress, passed the 14th of April, 1802, entitled "An act to establish a uniform rule of naturalization, and to repeal all the acts heretofore passed on that subject," provides that aliens may be admitted to become citizens of the United States by the "supreme, superior, district, or circuit court of some one of the States, or of the territorial jurisdictions of the United States, or a circuit or district court of the United States, in a law of Congress, which was designated to confer jurisdiction on other Courts than those of the United States, and which courts were possessed of different powers and variously constituted, it would be extremely difficult to describe each court by that name or appellation which it received in the law of the state or territory by which it was established. Besides, was such precision to be observed, Congress would be under the necessity of altering the law to meet every change which the different States might find it convenient to make in their judicial system, or otherwise the object of the law might, in some States, be entirely defeated. In making provision for the naturalization of foreigners, the intention of Congress obviously was to confide it to all courts which possessed those attributes that would render them safe depositories of the trust reposed. And the terms employed to describe them must be construed to relate to their powers and jurisdiction, and not to the name or appellation by which they were respectively designated in the laws of the states or territories in which they exist. That this is a fair construction, will appear manifest from the provisions

of the 3d section of the same act, which declares "that every court of record, in any individual state, having common law jurisdiction, and a seal, and clerk or prothonotary, shall be considered as a district court within the meaning of this act." The exceptions taken to the authority of a county court of a territory to admit aliens to become citizens of the United States is founded on the reference in this section to state courts, and the omission to include the courts of a similar character in the territories. But this section, it must be observed, is merely declaratory, and cannot justly be construed to contain any thing more than an explanation of what was intended to be understood by the terms "district and circuit court." Let us see what is the interpretation. It is, "that every court of record which possesses certain other attributes, which are enumerated, is to be considered as a district court." Here is no new grant of power, but only a declaration of the character in which those courts are considered; and the omission of the territorial courts in this section, cannot be construed to annul the grant of power contained in the 1st section. The reasons for enacting the 3d section was obviously to explain away certain doubts which appear by the preamble to have existed in regard to some of the courts in certain states; and the presumption is, that, in respect to the territorial courts, no such doubts were suggested: and hence the omission. Should this view of the subject be correct, there can be no doubt but that, by the laws of the United States, the county courts in the territory of Michigan, are to be considered as district courts, and competent to admit aliens to become citizens of the United States; and that, as the sitting delegate was naturalized before one of those courts, he thereby became, and, in fact, now is, a citizen of the United States.

The Committee will now proceed to the consideration of the second objection, viz: that, even admitting the validity of the naturalization, yet, as it did not take place one year before the election, the sitting delegate was not, at that time, legally qualified, inasmuch as he had not resided in the territory one year previous to the election in the quality of a citizen of the United States. The authority relied on to support this position is the act of Congress "authorizing the election of a delegate from the Michigan territory to the Congress of the United States, and extending the right of suffrage to the citizens of the said territory," passed the 16th of February, 1819. And the "act to amend the ordinance and acts of Congress, for the government of the territory of Michigan, and for other purposes," passed the 3d of March, 1823. The former of these acts provides "that every free white male citizen of said territory, above the age of 21 years, who shall have resided therein one year next preceding the election," &c. shall be entitled to vote at such election for a delegate to the Congress of the United States. The latter act provides that all citizens of the United States having the qualifications prescribed by the act of the 16th February, 1819, shall be eligible to any office in said territory. The committee will not undertake to decide whether the station of delegate is such an office as comes within the meaning of this act; but, even admitting that it is, the conclusion will not prejudice the right of the sitting delegate to his seat. Neither of the acts referred to require that the person shall possess the qualifications enumerated at any other time than that at which the election takes place. It is not the citizen who is required to have resided in that quality for one year next preceding the election. It is the person, the individual, the man, who is spoken of, and who is to possess, the qualifications of residence, age, freedom, &c. at the time he offers to vote, or is to be voted for, or claims the privileges and franchises which those acts bestow. From a careful examination of the case in all its bearings and relations, the committee are impelled to the conclusion that the sitting delegate was, at the time of his election, a citizen of the United States, possessed of all the constitutional and legal qualifications to render him eligible to a seat in the present Congress, and do, therefore, submit the following resolution:

*Resolved*, That Gabriel Richards is entitled to a seat in this House, as a Delegate from the Territory of Michigan.

## GENERAL LA FAYETTE.

Adjutant General's Office, Washington, 11 August, 1824.

## ORDERS.—No. 64.

The President of the United States directs, that Gen. LA FAYETTE, when he arrives in this Country, be received at all Military posts with the honours due to the highest military rank in our service.

The General in Chief publishes the foregoing to the Army, by direction of the Secretary of War.